HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 23886 OF 1997

Between:

Ch. Srinivasa Rao

… Petitioner

and

The Executive Officer,
Sri Venkateswara Swamyvari Temple
(dismissed for default vide court order
dated 23.8.2000) and another

… Respondents

HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.NO. 23886 OF 1997

ORAL ORDER:

The relief sought for in this writ petition is to declare the action of the respondents in placing the petitioner under suspension pending enquiry into the charge vide proceedings dated 19.7.1997, as illegal.

The Executive Officer of the respondent-Temple was informed that the petitioner had collected Rs.15,203/- from the tenants towards rent by issuing receipts and that the said collections were not reflected in the cash book. He was further directed to explain reasons for not submitting his report about misappropriation of funds by the petitioner and also reasons for not initiating any disciplinary action against the petitioner.

While the respondents were justified in placing the petitioner under suspension since the charge relates to the misappropriation of amounts collected as rent, which amount duly belongs to the Temple, however the fact remains that the petitioner was never suspended.

It is categorically stated in the counter affidavit that this writ

petition is filed merely on an apprehension that the petitioner was likely to be placed under suspension. It is obvious that the very purpose of this writ petition was to avoid being placed under suspension even though the charges levelled are grave and serious. Though the impugned order makes no reference to any contemplated action in this regard, it is clear that the writ petition is filed to pre-empt the respondents from doing so. The petitioner has been successful in his efforts.

The writ petition is a gross abuse of process of this court. The writ petition is dismissed with exemplary costs, quantified at Rs.10,000/-, which the petitioner shall pay to the account of the 1st respondent-temple, within a period of 4 weeks from the date of receipt of a copy of this order. No costs.

RAMESH RANGANATHAN, J

DATE: 28.2.2007

CVM